AMENDMENTS TO THE CLAIMS

Please amend Claims 1-9, 11, 13-16, 21-28. Please cancel Claims 17 and 29-37 without prejudice or disclaimer.

1.   (Currently Amended) A method of communicating a ~~fax~~ message via a computer network, the method comprising:

~~receiving the fax via a public switched telephone network from a source location;~~

~~determining whether the source location authorizes incurring long-distance charges that are made subsequent to receiving the fax;~~

transmitting a ~~the fax~~ message ~~via the Internet~~ from a first server ~~having at least one dial-up modem~~ to a second server wherein the second server comprises a plurality of ~~having at least one~~ outgoing dial-up modems and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

determining availability of the outgoing dial-up ~~modem~~ modems at the second server;

if none of the outgoing dial-up modems are available, applying a wait time wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

~~sending the fax message via the dial-up modem and a public switched telephone network to a receiver~~

determining whether at least one of the outgoing dial-up modems is available after the wait time.

2.   (Currently Amended) The method of Claim 1, further comprising storing the ~~fax~~ message at the second server.

3.   (Currently Amended) The method of Claim 1, further comprising reserving an available outgoing dial-up modem for transmitting the ~~fax~~ message to the ~~receiver~~ recipient.

4.   (Currently Amended) The method of Claim 1, wherein determining availability of the outgoing dial-up ~~modem~~ modems comprises identifying ~~the~~ an active or an inactive state of the outgoing dial-up ~~modem~~ modems.

5.   (Currently Amended) The method of Claim 1, wherein determining availability of the <u>outgoing</u> dial-up ~~modem~~ modems is performed periodically at predetermined times, or at start-up of the <u>second</u> server, or after <u>one of</u> the <u>outgoing</u> dial-up ~~modem~~ modems is removed or another <u>of the outgoing dial-up</u> ~~modem~~ modems is added.

6.   (Currently Amended) The method of Claim ~~5~~4, further comprising saving the active or inactive state of the <u>outgoing</u> dial-up modem in a memory.

7.   (Currently Amended) The method of Claim 1, further comprising queuing the ~~fax~~ message for sending at a later time if there is no <u>outgoing</u> dial-up modem available for immediate sending.

8.   (Currently Amended) The method of Claim ~~7~~1, wherein ~~queuing the fax message includes waiting for a period of~~the wait time ~~that~~ is based upon at least one characteristic of the load upon the <u>outgoing</u> dial-up ~~modem~~modems.

9.   (Currently Amended) The method of Claim 1, further comprising sending a transmittal report to a transceiver having originated the ~~fax~~ message.

10.   (Cancelled).

11.   (Currently Amended) The method of Claim 1, <u>further comprising receiving the message,</u> wherein receiving the ~~fax~~ message includes handling the ~~fax~~ message according to the T.37 standard.

12.   (Cancelled).

13.   (Currently Amended) A system for communicating a fax message via a computer network, the system comprising:

        ~~means for receiving the fax via a public switched telephone network from a source location;~~

        ~~means for determining whether the source location authorizes incurring long-distance charges that are made by the means for receiving;~~

        means for transmitting ~~via the Internet the fax~~a message<u> from a first server to a second server, wherein the second server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;</u>

means for determining availability of a—the outgoing dial-up modemmodems at the second server;

if none of the outgoing dial-up modems are available, means for applying a wait time, wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

~~means for sending the fax message via the dial-up modem and a public switched telephone network to a receiver~~

means for determining whether at least one of the outgoing dial-up modems is available after the wait time.

14.   (Currently Amended) The system of Claim 13, further comprising means for storing the ~~fax~~ message at the ~~receiving means~~second server.

15.   (Currently Amended) The system of Claim 13, further comprising means for reserving an available outgoing dial-up modem for transmitting the ~~fax~~ message to the ~~receiver~~recipient.

16.   (Currently Amended) The system of Claim 13, further comprising means for queuing the ~~fax~~ message for sending at a later time if there is no outgoing dial-up modem available for immediate sending.

17.   (Canceled)

18.-20 (Cancelled).

21.   (Currently Amended) A method of communicating a fax message via a computer network, the method comprising:

transmitting a ~~fax~~ message from a first ~~fax~~ transceiver to a first server via a public switched telephone network;

~~determining whether a user of the first fax transceiver authorizes incurring long-distance charges that are made by the first server;~~

forwarding ~~of~~ the ~~fax~~ message by the first server, via a computer network, to a second server ~~having~~ wherein the second server comprises a plurality of outgoing dial-up modems, and wherein the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

receiving and storing the ~~fax~~ message at the second server;

determining availability of each of the outgoing dial-up modems;

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if none of the outgoing dial-up modems are available, applying a wait time, wherein the wait time is based at least in part on a number of dial-up modems and based at least in part on a number of subscribers associated with the second server;

~~queuing transmission of the fax for a period of time, and~~ determining availability of each of the outgoing dial-up modems ~~upon expiration of~~after the wait time ~~period, if none of the dial-up modems is available~~; and

if one of the outgoing dial-up modems is available after the wait time, sending the ~~fax~~message via ~~a selected~~an available one of the outgoing dial-up modems and the ~~publicly~~public switched telephone network~~, determined to be available,~~ to a second ~~fax~~transceiver, wherein the second ~~fax~~transceiver is physically located in the same local-toll area~~,~~ of a public telephone network~~,~~ as the second server.

22.   (Currently Amended) The method of Claim 21, wherein receiving and storing includes processing the ~~fax~~message according to ~~the~~a store-and-forward protocol.

23.   (Currently Amended) The method of Claim 21, further comprising ~~the act of~~reserving ~~an~~the available outgoing dial-up modem for sending the ~~fax~~message.

24.   (Currently Amended) The method of Claim 21, further comprising queuing the transmission of the message, wherein queuing transmission of the ~~fax~~message includes ~~waiting for a period of~~the wait time that is based upon at least one characteristic of the load upon the outgoing dial-up ~~modem~~modems.

25.   (Currently Amended) A program storage device storing instructions that when executed by a computer performs ~~the~~a method of communicating a ~~fax~~message via a computer network, the ~~method~~program storage device comprising:

~~transmitting a fax from a first fax transceiver to a first server via a public switched telephone network;~~

~~determining whether a user of the first fax transceiver authorizes incurring long-distance charges that are made by the first server;~~

instructions configured to ~~forwarding~~forward ~~of the fax~~a message by ~~the~~a first server~~, via a computer network,~~ to a second server, ~~having~~wherein the second server comprises a plurality of outgoing dial-up modems, and wherein

the outgoing dial-up modems are configured to fax the message to recipients via a public switched telephone network;

~~receiving and storing the fax at the second server;~~

instructions configured to ~~determining~~ determine availability of ~~each of~~ the outgoing dial-up modems at the second server;

if none of the outgoing dial-up modems are available, instructions configured to apply a wait time, wherein the wait time is based at least in part on the utilization of the outgoing dial-up modems; and

~~queuing transmission of the fax for a period of time, and determining availability of each of the dial-up modems upon expiration of the time period, if none of the dial-up modems is available; and~~

~~sending the fax via a selected one of the dial-up modems and the public switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server~~

instructions configured to determine whether at least one of the outgoing dial-up modems is available after the wait time.

26. (Currently Amended) The program storage device of Claim 25, further comprising instructions configured to receive and store the message, wherein receiving and storing the ~~fax~~ message includes processing the ~~fax~~ message according to ~~the~~ a store-and-forward protocol.

27. (Currently Amended) The program storage device of Claim 25, ~~wherein the method~~ further ~~comprises~~ comprising instructions configured to ~~the act of reserving~~ reserve an available outgoing dial-up modem for sending the ~~fax~~ message.

28. (Currently Amended) The program storage device of Claim 25, further comprising instructions configured to queue the message, wherein queuing the ~~fax~~ message comprises waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the outgoing dial-up ~~modem~~ modems.

29.-37. (Canceled)

38.-41. (Cancelled)